

Appl. No. 09/636,031
Response to Final Office Action of July 27, 2006

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REMARKS

This response is submitted in reply to the Final Office Action mailed on July 27, 2006. Claims 1-12 and 20-25 are pending in the patent application. Claims 13-19 were previously withdrawn. No new matter has been added by this response.

Claims 1-12 and 20-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,029,141 to Bezos et al. ("*Bezos*"). Applicants disagree with and traverse this rejection for the following reasons.

Applicants submit that there are several differences between the claimed invention and *Bezos*.

Claim 1 is directed to a method of placing electronic order from a data processing unit of a user that includes providing, by the data processing unit, an order form for the advertised product in response to the purchase request without having to exchange additional communications with the hosting server. The order form is presented on the display of the user where the data processing unit remains connected to the hosting server to continue the interactive session while the user communicates with the data processing unit to complete the order form. Thus, the user remains connected to the hosting server while completing the order form on their computer. The Patent Office states that *Bezos* discloses such subject matter. Applicants disagree.

The Patent Office states that *Bezos* discloses a data processing unit that remains connected to a hosting server to continue an interactive session while the user completes an order form. The Patent Office specifically points to Col. 12, lines 32-41 of *Bezos* which states as follows:

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Another alternative is for the associate Web site 100 to be created using an HTML frame format. The bottom frame can be designated as the target area frame for the merchant's Web site 106. The top frame can provide navigational controls for the customer to return to the associate's Web site 100 after selection of a particular product at the merchant's Web site 106. This allows the customer to maintain an associate's Web page frame while viewing and processing product purchases at the merchant's Web site 106.

Based on this section of *Bezos*, the Patent Office states that *Bezos* teaches an HTML frame format that has three frames: a top frame for navigational controls, a bottom frame for the merchant's Web site, and an associate's Web page frame. The Patent Office states that the associate's Web page frame is maintained while a user views the merchant's Web site. However, Applicants submit that if the user's computer remains connected to the associate's Web page while viewing and using the merchant's Web page, then the associate's Web page should automatically be displayed to the user when the user exits the merchant's Web site. And if this is true, there would be no need for the navigational controls to return a customer or user to the associate's Web site.

In this regard, when a plurality of web pages are concurrently accessed or linked, and displayed on the user's computer, a later or more recently accessed Web site is displayed overlapping an earlier accessed Web page. Therefore, the earlier accessed Web page is hidden or positioned behind a later accessed Web site on the display of the user's computer. (See the second to the last Q&A on page 227 of the HTML 3.2 document). In this configuration, an earlier accessed web page is displayed when a later accessed web page is closed. Therefore, in *Bezos*, Applicants submit that the Web page file of the associate's Web site may be displayed but the connection between the user's computer and the associate's web page is not maintained. Thus, the navigational controls are needed to connect the user's computer to the associate's Web page so that the user can interact with the associate's Web page again.

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Bezos only states that the associate's Web page frame is maintained and does not disclose or suggest that the customer's computer is still connected to the associate's Web page while using the merchant's Web page, or that the customer can interact in any way with the associate's Web page while using the merchant's Web site. In contrast, the claimed invention discloses that the data processing unit of a user remains connected to a hosting server to continue an interactive session while the user communicates with the data processing unit to complete an order form.

Moreover, the claimed invention discloses that the data processing unit of the user receives product information from a hosting server and then creates a purchase order form according to the banner applet included in the Web page information transferred from the hosting server. During the creation and completion of the order form, the data processing unit remains connected to the hosting server to continue an interactive session with that server. *Bezos* does not disclose or suggest such subject matter.

In the Final Office Action, the Patent Office correlates the data processing unit and hosting server with the client computer and associate server of *Bezos*. In *Bezos*, however, a customer is switched from an associate server to a merchant server by a hyperlink when the user wants to view more information about the product on the associate's Web page. The merchant's Web page or server, enables the user to receive more information about a particular product and also purchase that product. The shopping session is, therefore, performed between the customer and the merchant server. The customer's data processing does not remain connected to the associate's Web page server.

Assuming *arguendo* that the customer's computer remains connected to the associate's Web page server as stated by the Patent Office, when the customer completes the order form provided by the merchant's server, and closes or exits the merchant's Web page, the associate's Web page should be automatically displayed. This is not the case. Instead, the customer or user

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has to use the navigation controls provided in *Bezos* to return to the associate's Web page. This indicates that the associate's Web page does not remain connected while the user is on the merchant's Web page. The navigation controls enable the user to re-connect to the Web page to access and use that Web page. In contrast, the claimed invention remains connected to the hosting server to continue to interact the session while the user communicates with the data processing unit to complete the order form.

Furthermore, data processing unit of the claimed invention provides the order form to the user and remains connected to the hosting server during the completion of the order form by the user to continue the interactive session with the hosting server. *Bezos* does not disclose or suggest such subject matter.

In *Bezos*, the associate server receives the selection request or product request but not the purchase request from the customer. Instead, the customer is transferred to the merchant's server or Web site, to receive the product information, and then make a purchase request for a product on a merchant's Web site. As stated in *Bezos*, the "merchant handles the tasks of processing online orders, shipping products, collecting payment, and providing customer service, the associate need not be concerned with these tasks." (Col. 6, lines 41-45). Thus, the client's computer or data processor in *Bezos* does not provide an order form based on a purchase request by a user.

Also, as described above, the client's computer or data processing unit does not remain connected to the hosting server while the user communicates with the data processing unit to complete an order form as in the claimed invention. Even if the merchant's server of *Bezos* is regarded as the claimed hosting server, the merchant server produces the order form in response to the clicking of a check-out area by the customer and transmits the order form to the customer. The customer then enters the necessary information such as account number and shipping

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address. *Bezos* suggests the use of a cookie to identify the customer. However, even with the cookie, the shopping cart is connected using a hyperlink to the detailed information Web page sent to the customer. The process of identifying the customer shopping cart has to be done and then the order form is sent to the customer in response to the clicking of the checkout area or button. The customer enters the necessary information for purchasing the product. (Col. 7, lines 58-60 and Col. 8, lines 17-28). In contrast, the data processing unit of the claimed invention presents or provides the order form in response to a purchase request from a user without accessing or querying the hosting server. The user completes the order from the hosting server and remains connected to the client's computer. *Bezos* is not connected to or does not connect to the associate's Web page, (i.e., the hosting server), to continue an interactive session while the customer enters information to purchase merchandise.

Furthermore, as stated above, *Bezos* does not disclose or suggest creating an order form at the customer's computer or data processing unit. *Bezos* uses a shopping cart where the order form of settlement page is sent to the user to enter the necessary billing information. The shopping cart is displayed on the merchant's Web page and is hyperlinked to a shopping cart database. *Bezos* does not disclose or suggest creating a shopping cart at the customer's computer. *Bezos* therefore teaches a way from the claimed invention.

The Patent Office also states that *Bezos* does not disclose or teach providing an order form at the data processing unit or customer computer. (See the Office Action, p. 4). The Patent Office states, however, that *Bezos* discloses that the customer's computer is capable of presenting Web documents embedded in a Web browser of the customer's computer and, therefore, it would have been obvious to a person skilled in the art to relocate the order form from the merchant Web site to the customer's computer. Applicants disagree.

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Providing an order form at the client computer in the claimed invention is not a mere relocation of the order form. Creating the order form at the client computer allows the hosting server to utilize the resources for another service other than the creation of the order form and the entry of the purchasing information. Also, by maintaining connection to the client computer, and the hosting server, the client can conduct research on important topics, view other products, read media streams of news stories, and other functions as described on page 4, lines 22-26 of the application. *Bezos* does not disclose or suggest utilizing the hosting server concurrently while entering information on an order form at the client computer. In fact, during the shopping session between the merchant Web site and the client computer in *Bezos*, the associate Web site cannot partake or be involved in any session with the client. As stated in *Bezos*, the third frame or associate's Web page remains unchanged and is not affected by the use of the navigational controls. *Bezos* therefore does not teach the continuous interactive session between the hosting server and the client computer while the client or user is completing the order form.

Even if the associate's Web site in *Bezos* is considered to be the same as the hosting server of the claimed invention, the associate's Web site sends the payment information in response to an action by the user. In contrast, the claimed invention includes a data processing unit which produces the order form itself instead of requesting the order form from a server. *Bezos* does not disclose or suggest that the data processing unit provides an order form to the user as admitted by the Patent Office in the Office Action. Furthermore, there is no teaching or suggestion in *Bezos* to teach that the data processing unit provides such an order form.

Moreover in *Bezos*, in contrast to the claimed invention, the associate server receives the selection request (and not the purchase request from the customer) while the merchant server receives the purchase request from the customer to produce the order form. Accordingly, the associate server in *Bezos* cannot be regarded as the host server of the claimed invention.

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For at least these reasons, amended claim 1 and amended claim 20, which includes similar elements to amended claim 1, and claims 2-12 and 21-25, which depend from these claims, respectively, are each patentably distinguished over *Bezos* and in condition for allowance.

Claims 6, 7, 21 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bezos* in view of Official Notice. Claims 6 and 7 depend from amended claim 1 and claims 21 and 24 depend from amended claim 20. Therefore, Applicants respectfully submit that claims 6, 7, 21 and 24 are allowable for at least the reasons set forth above with respect to amended claims 1 and 20 and for the further reasons that the combination of *Bezos* and the Official Notice does not disclose, teach or suggest the novel subject matter of claims 6, 7, 21 and 24 in combination with the novel subject matter of amended claims 1 and 20, respectively.

For these reasons, claims 6, 7, 21 and 24 are each patentably distinguished over the combination of *Bezos* and the Official Notice and in condition for allowance.

Claims 3-5, 10, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bezos* in view of U.S. Publication No. 2002/0007393 to Hamel ("*Hamel*"). Claims 3-5, 10 and 11 depend from amended claim 1. Therefore, Applicants respectfully submit that claims 3-5, 10 and 11 are allowable for at least the reasons set forth above with respect to amended claim 1 and for the further reasons that the combination of *Bezos* and *Hamel* fails to disclose, teach or suggest the novel subject matter of claims 3-5, 10 and 11 in combination with the novel subject matter of amended claim 1.

For these reasons, claims 3-5, 10 and 11 are patentably distinguished over the combination of *Bezos* and *Hamel* and in condition for allowance.

Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bezos*. Claims 8 and 9 depend from amended claim 1. Thus, Applicants respectfully submit that claims

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8 and 9 are allowable for at least the reasons set forth above with respect to amended claim 1 and for the further reasons that *Bezos* does not disclose, teach or suggest the novel subject matter of claims 8 and 9 in combination with the novel subject matter of amended claim 1.

For these reasons, claims 8 and 9 are each patentably distinguished over *Bezos* and in condition for allowance.


In light of the above, Applicants respectfully submit that claims 1-12 and 20-25 are patentable and non-obvious over the art of record because the cited art does not disclose, teach or suggest all of the elements of the claimed invention. Accordingly, Applicants respectfully request that Claims 1-12 and 20-25 be deemed allowable at this time and that a timely Notice of Allowance be issued in this case.

No fees are due. If any other fees are due in connection with this application the Patent Office is authorized to deduct the fees from Deposit Account No. 19-1351. If such a withdrawal is made, please indicate the Attorney Docket No. (39992-400800) on the account statement.

Respectfully submitted,

Seyfarth Shaw LLP
131 S. Dearborn Street
Suite 2400
Chicago, Illinois 60603-5577
312-460-5000

By


Christopher S. Hermanson
Attorney for Applicants
Reg. No. 48,244